

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

HAROLD RAVEN,

Plaintiff,

V.

GREGG COUNTY SHERIFF'S
DEPARTMENT, et al.,

Defendants.

Case No. 6:21-cv-404-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Harold Raven, proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition. The Court previously dismissed Plaintiff's claims against several defendants, leaving only the claims against Defendant Gary White. Docket No. 34.

Now before the Court is Defendant White's motion for summary judgment based on Plaintiff's failure to exhaust administrative remedies. Docket No. 28. On August 23, 2022, Judge Love issued a Report recommending that the Court grant Defendant's motion. Docket No. 35. Copies of this Report were sent to Plaintiff via email through the Court's electronic docketing system and by U.S. mail with an acknowledgment card. A letter properly placed in the United States mail is presumed to reached its destination and intended recipient in the usual time. *Faciane v. Sun*

Life Assurance Co. of Can., 931 F.3d 412, 420–21 & n.9 (5th Cir. 2019). No objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 35) as the findings of this Court. The Court hereby **GRANTS** Defendant White’s motion for summary judgment and **DISMISSES** Plaintiff’s claims against Defendant White without prejudice for failure to exhaust administrative remedies.

So **ORDERED** and **SIGNED** this **4th** day of **October, 2022**.

A handwritten signature in black ink, appearing to read "Jeremy D. Kernodle", is written over a horizontal line.

JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE